

(5) Section 1938(a)(3) of the Social Security Act (42 U.S.C. 1396u-8(a)(3)) is amended by inserting “(as in effect on the day before the date of the enactment of the American Rescue Plan Act of 2021)” after “section 223(c)(2)(C) of the Internal Revenue Code of 1986”.

(6) Section 2105(c)(10)(B)(ii)(II) of the Social Security Act (42 U.S.C. 1397ee(c)(10)(B)(ii)(II)) is amended by striking “high deductible health plan” and inserting “qualified health plan”.

(7) Section 1101(c)(2)(B)(ii) of the Patient Protection and Affordable Care Act (42 U.S.C. 18001(c)(2)(B)(ii)) is amended by striking “section 223(c)(2)” and inserting “section 223(b)(2)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SA 989. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

Strike section 2101(b) and insert the following:

(b) **ALLOCATION OF AMOUNTS.**—Amounts appropriated under subsection (a) shall be allocated as follows:

(1) Not less than \$75,000,000 shall be for the Occupational Safety and Health Administration, of which \$5,000,000 shall be for Susan Harwood training grants, \$5,000,000 shall be for a voluntary protection program under subsection (c), and not less than \$5,000,000 shall be for enforcement activities relating to COVID-19 at high risk workplaces including healthcare, meat and poultry processing facilities, agricultural workplaces and correctional facilities.

(2) \$12,500,000 shall be for the Office of Inspector General.

(c) **VOLUNTARY PROTECTION PROGRAM.**—

(1) **COOPERATIVE AGREEMENTS.**—By not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall establish a program of entering into cooperative agreements with employers to encourage the establishment of comprehensive safety and health management systems that include—

(A) requirements for systematic assessment of hazards;

(B) comprehensive hazard prevention, mitigation, and control programs;

(C) active and meaningful management and employee participation in the voluntary program described in paragraph (2); and

(D) employee safety and health training.

(2) **VOLUNTARY PROTECTION PROGRAM.**—

(A) **IN GENERAL.**—By not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall establish and carry out a voluntary protection program (consistent with paragraph (1)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(B) **PROGRAM REQUIREMENTS.**—The voluntary protection program shall include the following:

(i) **APPLICATION.**—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(ii) **ON-SITE EVALUATIONS.**—There shall be on-site evaluations by representatives of the Secretary of Labor to ensure a high level of

protection of employees. The on-site visits shall not result in enforcement of citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(iii) **INFORMATION.**—Employers who are approved by the Secretary of Labor for participation in the program shall assure the Secretary of Labor that information about the safety and health program shall be made readily available to the Secretary of Labor to share with employees.

(iv) **REEVALUATIONS.**—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(C) **MONITORING.**—To ensure proper controls and measurement of program performance for the voluntary protection program under this subsection, the Secretary of Labor shall direct the Assistant Secretary of Labor for Occupational Safety and Health to take the following actions:

(i) Develop a documentation policy regarding information on follow-up actions taken by the regional offices of the Occupational Safety and Health Administration in response to fatalities and serious injuries at worksites participating in the voluntary protection program.

(ii) Establish internal controls that ensure consistent compliance by the regional offices of the Occupational Safety and Health Administration with the voluntary protection program policies of the Occupational Safety and Health Administration for conducting on-site reviews and monitoring injury and illness rates, to ensure that only qualified worksites participate in the program.

(iii) Establish a system for monitoring the performance of the voluntary protection program by developing specific performance goals and measures for the program.

(D) **EXEMPTIONS.**—A site with respect to which a voluntary protection program has been approved shall, during participation in the program, be exempt from inspections or investigations and certain paperwork requirements to be determined by the Secretary of Labor, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

(E) **NO PAYMENTS REQUIRED.**—The Secretary of Labor shall not require any form of payment for an employer to qualify or participate in the voluntary protection program.

(3) **TRANSITION.**—The Secretary of Labor shall take such steps as may be necessary for the orderly transition from the cooperative agreements and voluntary protection programs carried out by the Occupational Safety and Health Administration as of the day before the date of enactment of this Act, to the cooperative agreements and voluntary protection program authorized under this subsection. In making such transition, the Secretary shall ensure that—

(A) the voluntary protection program under this subsection is based upon and consistent with the voluntary protection programs carried out on the day before the date of enactment of this Act; and

(B) each employer that, as of the day before the date of enactment of this Act, had an active cooperative agreement under the voluntary protection programs carried out by the Occupational Safety and Health Administration and was in good standing with respect to the duties and responsibilities under such agreement, shall have the option to continue participating in the voluntary protection program authorized under this subsection.

SA 990. Mr. BRAUN submitted an amendment intended to be proposed to

amendment SA 891 proposed by Mr. SCHUMER to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5007. ADDING MOBILE AND TRAVELING BUSINESSES THAT PROVIDE LIVE ENTERTAINMENT THROUGH RECREATION, SPORTS, OR AMUSEMENT TO THE SHUTTERED VENUE OPERATOR GRANT PROGRAM.

Section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting “an entertainment business operator,” after “theatre operator,”;

(II) in clause (i)—

(aa) in the matter preceding subclause (I), by inserting “the entertainment business operator,” after “theatre operator,”;

(bb) in subclause (I), by inserting “an entertainment business operator,” after “theatre operator,”; and

(cc) in subclause (II), by inserting “the entertainment business operator,” after “theatre operator,”;

(III) in clause (ii)(III), by inserting “or entertainment business operator” after “operator”;

(IV) in clause (vi)—

(aa) in subclause (I)—

(AA) in the matter preceding item (aa), by inserting “the entertainment business operator,” after “theatre operator,”; and

(BB) in item (bb), by inserting “the entertainment business operator,” after “theatre operator,”;

(bb) in subclause (II)—

(AA) in the matter preceding item (aa), by inserting “the entertainment business operator,” after “theatre operator,”; and

(BB) by inserting “entertainment businesses,” after “theatres,” each place that term appears;

(cc) in subclause (III)—

(AA) by inserting “(aa)” before “The live”;

and

(BB) by adding at the end the following:

“(bb) In the case of an entertainment business operator, the operator has not received, on or after the date of enactment of this item, a loan guaranteed under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).”; and

(dd) in subclause (IV), by inserting “the entertainment business operator” after “theatre operator,” each place that term appears; and

(ii) in subparagraph (B), by inserting “entertainment business operator,” after “theatre operator,” each place that term appears; and

(B) by adding at the end the following:

“(11) **ENTERTAINMENT BUSINESS OPERATOR.**—The term ‘entertainment business operator’ means an individual or entity that operates a business that provides live entertainment through recreation, sports, or amusement, including a mobile entity such as a fair, carnival, or circus.”.

SA 991. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

At the end of title V, add the following: